

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,559	04/19/2004	Juha Punnonen	0334.210US

30560
 MAXYGEN, INC.
 INTELLECTUAL PROPERTY DEPARTMENT
 515 GALVESTON DRIVE
 RED WOOD CITY, CA 94063

CONFIRMATION NO. 5443

FORMALITIES LETTER



OC000000013213006

COPY

Date Mailed: 07/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/20/2004 MBERHE 00000044 500990 10828559

01 FC:1001 790.00 DA
 02 FC:1051 130.00 DA
 03 FC:1201 800.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 1, 12 13, 14, 15, 16, 17, 18, 19,.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after

September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$3576** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$4476** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$3576**
 - **\$946** for **11** independent claims over 3.
 - **\$2340** for **130** total claims over 20.
 - **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

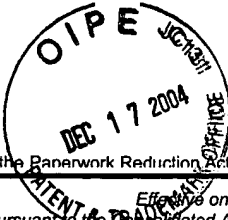
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)1930.00**Complete if Known**

Application Number	<u>10/828,559</u>
Filing Date	<u>04/19/2004</u>
First Named Inventor	<u>Juha Punnonen</u>
Examiner Name	<u>Unassigned</u>
Art Unit	<u>Unassigned</u>
Attorney Docket No.	<u>0334-210US</u>

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0990 Deposit Account Name: Maxygen, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	<u>1,000.00</u>
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
<u>20</u> - 20 or HP = <u>0</u> x _____ = <u>0</u>						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
<u>1</u> - 3 or HP = <u>0</u> x _____ = <u>0</u>						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>273</u> - 100 = <u>173</u> / 50 = <u>4</u> (round up to a whole number) x <u>250.00</u> = <u>200.00</u>				

4. OTHER FEE(S)

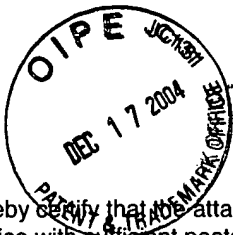
Non-English Specification, \$130 fee (no small entity discount)

Other: Late filing fee or oath or declaration surcharge 130.00**SUBMITTED BY**

Signature	<u>Margaret A. Powers</u>	Registration No. (Attorney/Agent)	<u>39,804</u>	Telephone	<u>650-298-5809</u>
Name (Print/Type)	<u>Margaret A. Powers</u>	Date	<u>12/13/2004</u>		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Certificate of Mailing under 37 C.F.R. §1.8

I hereby certify that the attached FEE TRANSMITTAL for FY 2005 is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, Mail Stop: Missing Parts on the date below:

Typed or Printed Name: Margaret A. Powers

Date: December 13, 2004

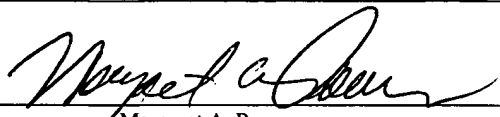
Signature: _____



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail-Stop: Missing Parts

On December 13, 2004

By


Margaret A. Powers

Attorney Docket No. 0334.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Juha Punnonen, *et al.*

Application No: 10/828,559

Filed: April 19, 2004

For: Novel Tumor-Associated Antigens

Examiner: Unassigned

Art Unit: Unassigned

RESPONSE TO NOTICE OF MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail-Stop: Missing Parts

Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed from the Patent Office on July 12, 2004, enclosed are the following to be made of record in the above-identified application. Included is a Petition for Extension of Time Under 37 CFR 1.136(a) to extend the time for response for three months (from September 12, 2004 to December 13, 2004 (December 12, 2004 being a Sunday)).

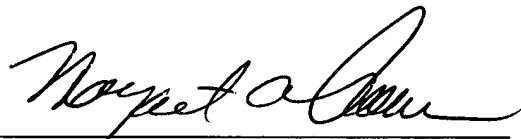
1. Copy of Notice to File Missing Parts of Nonprovisional Application;
2. Fee Transmittal Sheet with Certificate of Mailing under 37 CFR 1.8;
3. Petition for Extension of Time Under 37 CFR 1.136(a) (plus one duplicate) with Certificate of Mailing under 37 CFR 1.8;
4. Executed Declaration;
5. Supplemental Application Data Sheet;

6. Power of Attorney or Authorization of Agent, Not Accompanying Application and Statement Under 37 CFR §3.73(b) **(together with copy of Assignment - not intended for recordation. Note: The Assignment has been sent for recordation under separate cover to Box Assignment)**;
7. Computer Readable Form of Sequence Listing (Computer Diskette);
8. Statement Accompanying Sequence Listing Pursuant to 37 CFR §§1.821(f) and (g);
9. Paper (Written) Copy of Sequence Listing;
10. Preliminary Amendment;
11. Replacement Drawings (21 Sheets); and
12. Return Acknowledgement Postcard.

Please charge a total of \$2950.00 (\$1000.00 filing, search, and examination fee, \$800.00 application size fee, \$1020.00 for petition for extension of time to respond to 3 months from September 12, 2004 to December 13, 2004 [since December 12, 2004 is a Sunday], and \$130.00 oath or declaration surcharge) to Deposit Account No: 50-0990. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0990.

Respectfully submitted,

By: _____



Margaret A. Powers
Attorney for Applicant
Reg. No. 39,804

December 13, 2004

MAXYGEN, INC.
Patent Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5809
Facsimile: (650) 298-5446
Customer No. 30560